Calaveras County
Environmental Management Agency

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County Enforcement Work Plan
2006/2007
2007/2008
2008/2009

WORK PLAN MISSION STATEMENT

"To develop and implement a program within the Calaveras County Agricultural Commissioner's resources that addresses the core pesticide enforcement program elements of the Department of Pesticide Regulation. In addition, to implement the local programs to assure that no socioeconomic group of Calaveras County is disproportionately impacted by the use of pesticides and to protect pesticide handlers, field workers, farmers, our communities, and the environment through an effective countywide pesticide use enforcement program. We commit to continually assess, monitor, and evaluate the core program elements in our enforcement program and implement program improvements as needed. We invite DPR staff to coordinate with Calaveras County staff to provide for oversight inspection opportunities."

County Resources

• Mary Mutz:	Agricultural Commissioner	20%
• Vacant:	Deputy Agricultural Commissioner	50%
• Karl Kerstan:	Agricultural Biologist III	15%
• Shawn Casteel:	Agricultural Biologist III	33%
• Eric Mayberry:	Agricultural Biologist III	50%

Calaveras County would like to be evaluated annually by the Enforcement Branch Liaison.

A. Restricted Materials Permitting

Permit Evaluation

The average time and workload over a three year period is as follows:

- Total licensed hours 1596
- Current Permits 74
- Current Operator ID numbers 161
- Pesticide Use Monitoring insp. 38

- Issue approximately 35 permits a year.
    - Calaveras County issues three-year permits.
    - Oversee 74 active restricted material permits.
- Small vineyards and rangeland constitute the majority of the permittees.
- Most of the permits are issued for phenoxy herbicides, strychnine, and aluminum phosphide. Only licensed staff issues restricted material permits.
- The majority of the growers renew their certification through continuing education.
- Approximately five outreach/continuing education opportunities will be provided for permittees.
- A handwritten log is kept of all notices of intent, and reviewed by a licensed biologist.
    - If problems are detected, the NOI is denied.
    - Most denials are due to expired permits.
    - The majority of the intents are for aluminum phosphide, strychnine, 2,4-D in forest situations, and paraquat in a few vineyards and orchards.
- On weekends, holidays, and after hours, voice mail records the NOI's and the information is transferred to the log the next business day.
- Biologists review alternative pesticides and mitigate hazards during permit review.
- There are permits in the system with "just in case" materials, such as lindane, metasystox-r, supracide. These "just-in-case" materials are reviewed with the permittee and removed from the permit if there is no reported use in the last calendar year. They can then be added as a supplement when there is an actual need for these materials.

<u>Strengths</u>

- Staff has over 30 years of working experience in Calaveras County.
- Staff is familiar with the geography of the county, due to the length of time they have lived in Calaveras County.
- Staff is familiar with many of the crops grown and pest management practices performed
- Staff has production ag experience and knowledge of local conditions, which helps to reduce adverse environmental impacts.
- There is a working Notice of Intent system in place.
- Made reductions in the number of pesticides on restricted material permits that are not needed. See chart below.

Pesticide	Current	2005
Lindane	0	2
Metasystox-R	1	1
Lannate	0	1
Methyl parathion	3	4
Supracide	2	4
Guthion	6	6

Weakness

- The Department has not been fully staffed since December 2004. The deputy position is currently vacant and the loss of this resource has detracted from the potential of our program.
- The antiquated DOS based RMPP program is utilized for permit issuance.
- Surveillance hours are very high for the number of inspections conducted.
- Inability to perform inspections behind locked gates.

Goal or Objective

- Assure potential hazards are thoroughly evaluated.
- Reduce unnecessary permitted products.
- Update the permit program to the AgGIS system.
- Work with growers to perform inspections behind locked gates.
- Increase the awareness of the agricultural industry regarding endangered species protection requirements and resources for endangered species information.
- Encourage the use of buffers on the edge of agricultural enterprises on new land under cultivation in the ag-urban areas.
- Reduce complaints of neighboring vineyard operations by homeowners. Small vineyards are the fastest growing agricultural component in the county. Calaveras County has and continues to receive an increasing number of complaints from homeowners regarding pesticide applications, particularly aerial applications, in nearby agricultural areas
- Conduct approximately five continuing education opportunities during permit season.

Deliverables

The following are the tasks and activities to implement improvements.

- Better maps due to the implementation of the AgGIS program.
- Better maps to evaluate sensitive sites.
- Determine if the new sites are in an ag-urban interface area, where new construction is encroaching on traditional agricultural land.
    - Discuss potential mitigating measures that may be implemented and alternative chemicals that may be used.
- A reduction in the "just-in-case" pesticides on a restricted material permit.
    - Many of the chemicals were removed from the permit in 2005/2006.
    - Continue reviewing permits until completed.
- Finish the PRESCRIBE search for all permit holders in all Sections, Townships, and Ranges in Calaveras County.
- Permits may not be issued after the continuing education session.
    - Growers may be required to return to the office at a later time to more closely .discuss hazards, mitigation measures, alternatives.

Site-Monitoring Plan

Site-Monitoring Plan Development

- 150 notices of intent a year.
    - 5% inspections rate has routinely been achieved.
- Majority of the notices of intent are for:
    - gramoxone on grapes.
    - 2,4-D on forested sites.
    - aluminum phosphide.
    - Strychnine.
- No high risk sites in the County.
    - No methyl bromide applications, schools adjacent to agricultural fields, etc.
- A significant increase in applications of 2,4D in timber situations
    - 120 NOIs in 2005/2006
        - These are small acreage sites, two to twenty acres..
- There are not many new sites where restricted materials are applied.

Strength

- A log of intents is maintained at the front counter.
- The intents are checked by a licensed biologist.
- 5% of the intents are normally inspected.

Weakness

- Less than 5% of intents were inspected in 2005/2006.
    - Due to staff shortage/lack of supervision.
- Difficulty scheduling inspections at new sites.
- Difficulty matching notices of intents with pesticide use reports in a timely manner.

Goal or Objective

- Meet goal that 5% of Notices of Intent are inspected.
- Assure newly permitted sites are adequately monitored.
- Assure 2,4-D use in forestry is adequately monitored.
- Identify sensitive areas in the county, such as vineyards utilizing GIS.
- Improve scheduling to assure intents and use reports are matched.

Deliverables

- Commit at least one day per season to review intents for 2,4-D and strychnine use in forestry situations.
    - Sites are owned by Sierra Pacific Industries, in remote areas of the county, behind locked gates.
    - SPI management coordinates inspections
- Calaveras County will perform pre-application site inspections on at least 5% of the notices of intent received.

B. Compliance Monitoring

Comprehensive Inspection Plan

Comprehensive Inspection Plan.

- Current inspection plan is minimal.
    - Reduction in inspections performed in 2004/2005 .
    - Inspections increased in 2005/2006.
        - A vacancy was filled and the inspector had strong pesticide use enforcement skills.
    - Number and quality of inspections are increasing.
- Focus is on growers with employees that handle pesticides.
- Inspections are spontaneous.
- Many applications occur behind locked gates.
- Many unlicensed maintenance gardeners are found.

Strength

- Two biologists with strong pesticide use enforcement skills.
- Use of the AIRS program on tablet PCs.
    - Improve quality of inspections.
    - Manuals and forms are programmed into the computer.

Weakness

- Vacant deputy position
    - Difficulty getting inspections reviewed in a timely manner..
    - Difficulty scheduling follow up inspections
- High surveillance time without inspections.
- Inaccessibility to fields behind locked gates.
- Follow up inspections.

Goal or Objective

- Hire a deputy to review inspections in a timely manner and increase follow-ups.
- Improve compliance monitoring by focusing inspections on growers, rather than structural pest control businesses.
- Focus inspections in high-risk areas.
- Increase our effort to perform unannounced follow up inspections close to the time of original non-compliance.
- Increase field time and average number of inspections within three years.
- Obtain a use inspection of restricted material use in forest areas.
- Work with the EBL to complete five oversight inspections.
- Consent to an annual evaluation of our program.
- Concentrate efforts to get behind locked gates, especially where employees handle pesticides.

Deliverables

- Increase the number of inspections performed.
- Focus on growers, and more specifically, growers with employees that handle pesticides.
- Dedicate time to surveillance of forest areas in order to obtain an unexpected inspection.
- Monitor vineyards when grapes are actively being treated, monitor rangeland when aerial applications occur, monitor landscaped areas and other non-ag sites during slow agricultural times.
- Surveillance time should be scheduled for this purpose and in the appropriate times of the season.
- Obtain well-rounded inspections with closure.

Investigation Response and Reporting Improvement

Investigation Response and Reporting

- Few worker health and safety illnesses
- Few other pesticide related complaints/investigations
- Low incidence of priority investigations
    - follow the procedures that are set in the Cooperative Agreement between the US Environmental Protection Agency, the Department of Pesticide Regulation, and the California Agricultural Commissioners and Sealers Association, dated April 25, 2005
- All investigations commence as soon as possible

Strengths

- Low number of investigations leads to timely completion of reports
- We maintain a sampling and investigation kit containing all the supplies needed in one case
- Our current style of report writing closely follows DPR's format.
- Our annual evaluations have never stated that there is a need to improve investigation response or improve our reports. In the event WHS needs further information, we have the ability to obtain the information.

Weakness

- More training needed in report writing
- More investigative training needed

Goal or Objective

- Maintain our current level of response to illness and other pesticide related investigations.
- Keep the sampling/ investigation kit stocked with supplies and forms.
- Continue to follow the timelines in the Cooperative Agreement regarding priority investigations.
- Improve our report writing.
- Take enforcement and compliance actions in a timely manner.

Deliverables

- Timely submissions of illness investigations.
- Adapt our style of writing to more closely follow the format used in the Investigative Procedure Manual.

C. Enforcement Response

Enforcement Response Evaluation

- Currently we follow the Enforcement Response Plan
- Will follow the Enforcement Response Plan when it is chaptered
- Have referred cases to the District Attorney

Strength

- A system is in place to notify maintenance gardeners of pesticide laws and regulations
    - the county tax collector has incorporated a program, which requires new landscape-type businesses to get a signature from staff in the Department of Agriculture, before the business can obtain a county business license. At the time of the visit, staff explains that it is illegal to apply pesticides without being licensed by the state, and the new business signs a document stating they understand. Staff maintains a copy of the signed document, and therefore, we consider these businesses to be aware of the law as it applies to them.
- There is a low violation to enforcement action ratio. We were given an A-rating relative to other counties by local newspapers for this statistic.
- The reputation with the regulated industry is that we are aggressive in the field.
- The Enforcement Response Plan has been publicized locally through outreach sessions with growers, Farm Bureau, and the Grape Grower Association.

Weakness

- The length of time it takes to process proposed actions.
    - Vacancy in the deputy position. This delays the review and issuance of proposed actions
- Lack of training in writing proposed actions and in the hearing process

Goal or Objective

- Comply with the Enforcement Response Plan
- Assure compliance and enforcement actions are taken in a timely manner.
- Train staff in the Notice of Proposed Action process

Deliverables

- Prioritize compliance and enforcement actions that pertain to worker health and safety laws and regulations.
- Attempt to take rapid actions against unlicensed pest control businesses
- Follow the Enforcement Response Plan in response to violations.
- Notify District Attorney of high profile cases